

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

RENEGADE SWISH, LLC

Plaintiff,

vs.

EMILY A. WRIGHT

Defendant,

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§
§

CASE NO. 4:15-cv-00677-Y

AFFIDAVIT OF BRETT AGEE IN SUPPORT OF
ATTORNEY FEES AND COSTS

STATE OF OKLAHOMA

)

)

COUNTY OF GARVIN

)

BEFORE ME, the undersigned authority personally appeared Brett Agee, known to me to be the person whose name is subscribed hereto, and who, after being first duly sworn, stated as follows:

1. My name is Brett Agee. I am an adult and a resident of Garvin County, Oklahoma. I am of sound mind, competent and authorized to make this declaration and have personal knowledge of the facts stated below.
2. I am a shareholder of the law firm of Garvin Agee Carlton, P.C., which represents Emily A. Wright ("Wright") in this lawsuit.
3. My qualifications are set forth on the attached **Exhibit B-1**.
4. I have practiced law for over 27 years, and have practiced primarily in the area of civil litigation for all of those years.
5. I am, and have been since this lawsuit was filed, lead attorney of record for Emily Wright.

6. Attached as **Exhibit B-2** is a copy of the billing records maintained by Garvin Agee Carlton, P.C., for this lawsuit. **Exhibit B-2** is limited to the time spent on matters in this federal Court. These records show that the time expended in this case related to the federal-court proceeding in this case is 39.0 hours.
7. Based on my education, training and experience, and in my professional opinion, the hours expended on this action by counsel for defendant Emily Wright (as reflected on **Exhibit B-2**) were reasonable in light of the time and labor required for the tasks, the skill required to perform the legal services properly, the preclusion of other employment by the attorneys due to acceptance of this matter, the customary fees for similar work in Tarrant County, Texas, the amount involved and the results obtained, and the experience, reputation, and ability of the attorneys involved.
8. After being contacted by Emily Wright regarding the litigation that the plaintiff had filed against her, I contacted two Ft. Worth attorneys who declined to be part of her representation in a lawsuit involving Renegade Swish, Geoffrey Raynor, or related entities.
9. Based upon all of the above, it is my professional opinion that representation of Wright in this lawsuit is particularly unattractive and unacceptable to most attorneys because of the plaintiff's virtually unlimited resources to wage a litigation war, and because of Mr. Raynor's established history of waging a litigation war on a number of occasions (see attached **Exhibit B-3**) which summarizes some of litigation filed by Mr. Raynor and his band of entities.¹
10. Wright prevailed on every issue in this federal case. Specifically, all relief sought by the plaintiff (realignment, leave to file a second brief regarding realignment, denial of remand,

¹ Through research of public records (including state and federal court dockets and filings and filings with the secretary of state), and through general internet research, I identified these entities(which are specifically identified in Exhibit B-3) as being owned and controlled by Geoffrey Raynor.

and denial of attorney fees and costs incurred by Wright) was denied by this Court, and all relief sought by Wright (remand, denial of realignment, denial of the plaintiff's request for leave to file a second brief, and an award of attorney fees and costs incurred by Wright) was granted. Therefore, Wright is *completely victorious* in this case.


11. Based on the foregoing, it is my opinion that a multiplier of at least 2 is appropriate and should be applied under applicable law to the number of hours spent by Wright's counsel in this case.


12. **Exhibit B-2** also reflects expenses which are routinely billed by Garvin Agee Carlton, P.C. to its clients. These expenses were reasonably necessary to representing Wright in this federal Court.

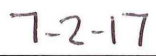

Brett Agee

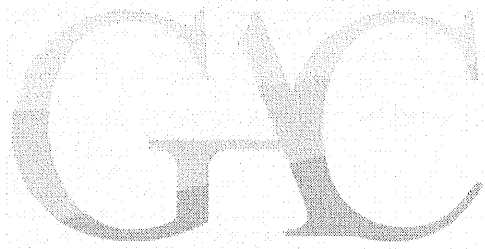
SWORN AND SUBSCRIBED to before me on March 7, 2016.




Notary Public, State of Oklahoma


Printed Name


My Commission Expires



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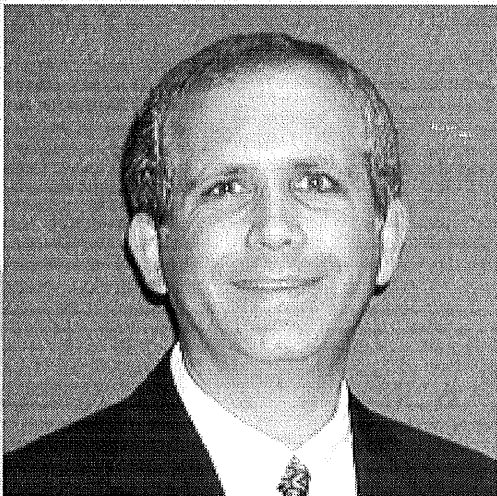
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Brett Agee



Brett Agee

Shareholder

Brett has practiced law with the firm since his graduation from law school in 1988. He has tried cases in Colorado and various counties in Oklahoma. Brett's community involvement includes past or present service as a board member of the Pauls Valley Planning and Zoning Commission, Pauls Valley Public Schools, Pauls Valley Rotary Club, Main Street Pauls Valley, and the Pauls Valley Chamber of Commerce. Brett is also a member and former director of the Oklahoma Association of Attorneys.

EXHIBIT B1

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Justice, which presented him with the Member of the Year Award in 2005. Brett has taught continuing legal education courses for lawyers on the subject of civil procedure and developments in tort law. In 2015, Brett was recognized by Martindale-Hubbell as a "Top Rated Lawyer in Litigation."

Education:

University of Oklahoma

Bachelor of Accountancy, 1985

Juris Doctor, 1988

Bar Admissions & Years:

Oklahoma, 1988

Colorado, 1996

Texas, 2016

Admitted to Practice Before:

U.S. Court of Appeals, Tenth Circuit

All U.S. District Courts in Oklahoma

All U.S. Bankruptcy Courts in Oklahoma

All State Courts in Oklahoma

All State Courts in Colorado

All State Courts in Texas

Memberships & Affiliations:

Garvin County Bar Association: Member, 1988-present; President, 1995

Oklahoma Bar Association: Member, 1988-present; Civil Procedure Committee, 2005-2012

Oklahoma Association for Justice: Member, 1993-present; Advisory Director, 1996; Director, 2004-2007

State Bar of Texas: Member, 2016-present

Other Distinctions:

Author, "Fraudulent Transfers of Real Property: A Creditor's Guide to Actions Under Bankruptcy Law and the Uniform Fraudulent Transfer Act," Consumer Finance Law Quarterly Report, Spring 1989.

Author, "Technology for Trial Lawyers," The Advocate, published quarterly by the Oklahoma Association for Justice

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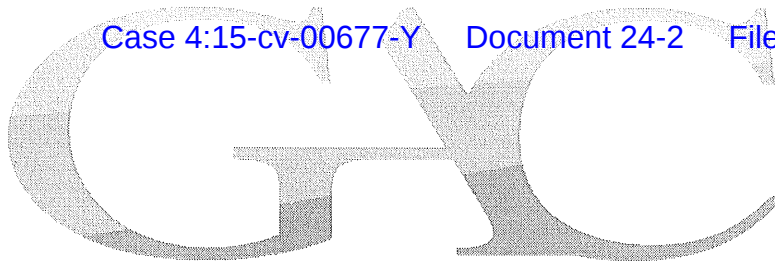
Areas of Practice

- Personal Injury & Wrongful Death
- Insurance
- General Litigation
- Appellate Practice
- Employment Law
- Construction Law

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EXHIBIT B1
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No. 20-3975348

Office hours: 8 a.m. - 12 noon & 1 p.m. - 5 p.m. Central Time

Emily Wright
4516 Cinnamon Hill Drive
Fort Worth, TX 76133

e.a.agee@me.com

March 7, 2016

File #: 2031-000

Invoice No. 85135

RE: Wright, Emily - Renegade Swish (Federal Court)

Current Fees

DATE	Service Performed by	DESCRIPTION	Hours
Sep-10-15	BA	Receive/review Notice of Removal (with Exhibits); Receive/review E-mail correspondence from Bryan Harston; work on litigation history; work on motion for sanctions	1.40
Sep-11-15	BA	Research re: admission to bar of ND of Texas; Telephone call to staff of Presiding Judge O'Conner - spoke; Telephone call to staff of Terry R. Means - voice mail	0.80
Sep-13-15	BA	Research; draft motion to remand and brief in support	4.80
Sep-14-15	BA	Telephone call from Harston, Bryan - spoke; Receive/review E-mail correspondence from Bryan Harston; Further editing of motion and brief; Email to Brant Martin	2.10
Sep-15-15	BA	Email to Bryan Harston; Receive/review E-mail correspondence from Bryan Harston	0.30
Sep-17-15	BA	Telephone call from Andrew Gould - spoke (conferred regarding whether Renegade Swish will consent to Defendant Wright's Motion for Remand and for Just Costs,	0.40

EXHIBIT B2
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Expenses and Attorney Fees); Telephone call from Brenda in Judge Means' office - spoke

Sep-19-15	BA	Review of court rules re: pro hac vice admission; Draft Application for Admission Pro Hac Vice; draft proposed order	0.50
Sep-20-15	BA	Review pleadings and Certificate of Interested Persons; Email to Lauren Drawhorn, Brant Martin to request amendment of COIP	0.60
Sep-21-15	BA	Telephone call to Terry R. Means - spoke to Brenda re: form requirements; Receive/review E-mail correspondence from Andrew Gould; Email to Andrew Gould; Telephone call from ND Court Clerk - spoke regarding ECF registration; telephone conference with Bryan Harston; Receive/review Renegade Swish's Motion to Realign the Parties and Brief in Support; finalized and filed Application for Admission Pro Hac Vice	0.80
Sep-22-15	BA	Worked on appendix to motion to remand; preparation and filing of Designation of Counsel for Defendant; telephone conference with Bryan Harston.	1.20
Sep-23-15	BA	Preparation of proposed Order granting motion to remand; email to legal assistant re: submission of same; finalize and file Motion for Remand and for Just Costs, Expenses and Attorney Fees, brief, and appendix	2.70
Sep-24-15	BA	Receive/review E-mail correspondence from Lauren Drawhorn re: certificate of interested persons; preparation and filing of Defendant Wright's Certificate of Interested Persons; Email to Lauren Drawhorn	0.50
Sep-28-15	BA	Receive/review Plaintiffs' Amended Certificate of Interested Persons	0.10
Sep-29-15	BA	Receive/review Order for Admission Pro Hac Vice	0.10
Oct-10-15	BA	Research for response to Plaintiff's Motion to Realign Parties	1.40
Oct-12-15	BA	Continued research; Draft Brief in Opposition to Motion to Realign Parties	2.30
Oct-13-15	BA	Finalize brief in opposition to motion to realign parties; preparation of Appendix to Brief filed same	1.10
Oct-14-15	BA	Receive/review Response to Wright's Motions to Remand and for Costs and Fees and Supporting Brief; research	1.80

cases cited; Email to Emily Wright; Email to Emily Wright; telephone conference with Bryan Harston.

Oct-27-15	BA	Receive/review Renegade Swish's Reply to Wright's Response to Motion to Realign; finalize and file Wright's Reply to Renegade Swish's Response to Wright's Motion for Remand and for Just Costs preparation and filing of Appendix	2.00
Oct-28-15	BA	Email to Emily Wright; Email to Emily Wright	0.10
Nov-03-15	BA	Receive/review Renegade Swish's Motion for Leave to File Sur-Reply; Receive/review Renegade Swish's proposed Sur-Reply; Receive/review Renegade Swish's proposed order; research; draft Defendant Wright's Objection to Renegade Swish's Motion for Leave to File Sur-Reply; Receive/review E-mail correspondence from Lauren Drawhorn	0.90
Nov-04-15	BA	Finalize Defendant Wright's Objection to Renegade Swish's Motion for Leave to File Sur-Reply; preparation of appendix; filed objection and appendix	0.50
Dec-17-15	BA	Receive/review Order Denying Motion for Leave to File Sur-Reply	0.10
Feb-22-16	BA	Receive/review Order Denying Motion to Realign, Granting Motion to Remand, and Awarding Costs and Fees; Email to Emily Wright; begin research re: federal attorney fees	1.50
Feb-23-16	BA	Email to Brant Martin, Lauren Drawhorn requesting stipulation for reasonable hourly rate for attorney fees	0.10
	BA	Continued research and draft brief in support of attorney fees and supporting exhibits; continued research re: prevailing hourly rates	1.40
Feb-24-16	BA	Telephone conference with Bryan Harston.	0.30
Mar-01-16	BA	Continue research and work on brief in support of attorney fees	2.50
Mar-02-16	BA	Continued research and work on brief in support of attorney fees	1.70
Mar-03-16	BA	Receive/review E-mail correspondence from Rod Tanner re: recent fee award; draft affidavits in support of attorney fees; continued research re: reasonable hourly rates	2.00

Mar-04-16	BA	Continued research re: attorney fees; continued work on brief in support of attorney fees	1.40
Mar-07-16	BA	Finalize and file brief and exhibits in support of attorney fees	1.60
Totals Hours for this Invoice			39.00

Current Expenses

Sep-10-15	Prints/Photocopies 120 @ 0.15	18.00
	Postage	4.82
Sep-11-15	Supreme Court of Oklahoma - Certificate of Good Standing (Required for admission pro hac vice)	20.00
	Prints/Photocopies 16 @ 0.15	2.40
	Postage	0.98
Sep-14-15	Prints/Photocopies 23 @ 0.15	3.45
Sep-16-15	Prints/Photocopies 11 @ 0.15	1.65
	Postage	5.35
Sep-21-15	Prints/Photocopies 28 @ 0.15	4.20
Sep-22-15	Prints/Photocopies 102 @ 0.15	15.30
	Postage	0.98
	Postage	2.74
Sep-23-15	Prints/Photocopies 37 @ 0.15	5.55
Sep-24-15	Prints/Photocopies 10 @ 0.15	1.50
	Postage	0.49
Sep-29-15	Prints/Photocopies 2 @ 0.15	0.30
	Prints/Photocopies 4 @ 0.15	0.60
Oct-01-15	Postage	0.98
Oct-13-15	Prints/Photocopies 121 @ 0.15	18.15
	Postage	2.30
Oct-26-15	Prints/Photocopies 24 @ 0.15	3.60
Oct-27-15	Prints/Photocopies 36 @ 0.15	5.40

Oct-28-15	Prints/Photocopies 10 @ 0.15	1.50
Nov-03-15	Prints/Photocopies 29 @ 0.15	4.35
Nov-04-15	Prints/Photocopies 83 @ 0.15	12.45
	Postage	2.08
Nov-10-15	Prints/Photocopies 1 @ 0.15	0.15
	Postage	7.36
Nov-20-15	Prints/Photocopies 1 @ 0.15	0.15
Dec-01-15	Prints/Photocopies 3 @ 0.15	0.45
Dec-03-15	Prints/Photocopies 2 @ 0.15	0.30
Dec-14-15	Prints/Photocopies 3 @ 0.15	0.45
Dec-17-15	Prints/Photocopies 3 @ 0.15	0.45
Dec-28-15	Facsimiles 3 @ 0.35	1.05
Jan-19-16	Prints/Photocopies 2 @ 0.15	0.30
Feb-06-16	Prints/Photocopies 2 @ 0.15	0.30
Feb-22-16	Prints/Photocopies 13 @ 0.15	1.95
Mar-03-16	Prints/Photocopies 96 @ 0.15	14.40
Total Expenses for this Invoice		\$166.43

EXHIBIT B-3 – RAYNOR LITIGATION HISTORY

Case Name, Number and Court	Type of Case And Claims Asserted	Date Filed	Amount Demanded	Date Nonsuited w/o Prejudice	Date Nonsuited w/Prejudice	Other Disposition	Attorneys
Renegade Swish, LLC vs. Guillame Boccara, et al 352-204938-04 District Court of Tarrant County, 352 nd Judicial District	Breach of Employment Agreement 1. Breach of contract 2. Unjust enrichment 3. Payment by mistake 4. Money had & received 5. Fraud 6. Negligent misrepresentation 7. Constructive Trust 8. Civil Conspiracy 9. Declaratory Judgment 10. Attorney fees	3-30-2004	\$232,687		3-22-2005		(P) Steven H. Stodghill, Kelly D. Hine & Kiprian E. Mendcygal (D) Harvey M. Shapan & David Grant Crooks
Renegade Swish, LLC vs. Haws & Tingle, Ltd. et al. 048-212605-05 District Court of Tarrant County, 48 th Judicial District	Misappropriation of confidential information 1. Breach of contract 2. Breach of warranty 3. Deceptive Trade Practice Act Violation 4. Fraud 5. Negligent misrepresentation 6. Declaratory Judgment 7. Disregarding the Corporate Fiction 8. Attorney fees	7-28-2005	\$1,000,000			Removed to Federal Court due to Bankruptcy Proceedings	(P) William R. Jenkins & A. Burch Waldron, III (D) J. Cort DeHart & Mark E. Andrews

EXHIBIT B-3 – RAYNOR LITIGATION HISTORY

Case Name, Number and Court	Type of Case And Claims Asserted	Date Filed	Amount Demanded	Date Nonsuited w/o Prejudice	Date Nonsuited w/Prejudice	Other Disposition	Attorneys
Renegade Swish, LLC vs. Kristen Day 236-224699-07 Tarrant County District Court, 236 th Judicial District	Breach of Non-Solicitation Agreement 1. Breach of Employment Agreement 2. Breach of Contract	6-28-2007	\$10,000+		5-6-2008		(P) Kent R. Smith & F. Denise Russell (D) Michael T. Cooke
Renegade Swish, LLC vs. Mortgage Assistance Corp., Dale Hensel, Dan Barnett & Michelle Taylor 141-222934-07 Tarrant County District Court, 141 st Judicial District	Misappropriation of confidential information	3-7-2007		4-10-2007			(P) David D. Rapp & James B. Barlow (D) Jack P. Caolo
Renegade Swish, LLC vs. Kelly Walden 067-259683-12 Tarrant County District Court, 67 th Judicial District	Breached severance agreement 1. Breach of contract 2. Declaratory judgment 3. Attorney fees	6-8-2012	\$22,730.75		10-15-2012		(P) Steven H. Stodghill (D) Roger L. Hurlbut

EXHIBIT B-3 – RAYNOR LITIGATION HISTORY

Case Name, Number and Court	Type of Case And Claims Asserted	Date Filed	Amount Demanded	Date Nonsuited w/o Prejudice	Date Nonsuited w/Prejudice	Other Disposition	Attorneys
Renegade Swish, LLC vs. Pranav Parikh, et al 048-266131-13 Tarrant County District Court, 48 th Judicial District	1. Employment contract dispute 2. Breach of Contract,	5-28-2013	\$10,000	7-11-2013			(P) Brant C. Martin (D) James Levine
Desert Beach, LLC vs. Nottage Design PTY LTD, et al. 30-2012-00598934-CU-BC-CJC Orange County, California	Defective \$73,000 glass pool table 1. Breach of Contract 2. Fraud 3. Negligent Misrepresentation 4. Conspiracy 5. Breach of Warranty 6. Deceptive Trade Practice/False Advertising	9-18-2012	In excess of \$219,000	9-10-2013			(P) Zachary Bulthuis & Brant C. Martin (D) Robert A. Von Esch IV
Edward R. Hudson, Jr., Ann F. Hudson, J. Donovan Williamson and Patricia C. Williamson vs. Dink Unlimited, LLC 048-205156-04 Tarrant County District Court, 48 th Judicial District	Dispute with neighbors over property boundary and 0.089 acres 1. QTS 2. Permanent injunction 3. Temporary injunction 4. Damages 5. Attorney fees	4-14-2004	Unspecified			Judgment against Dink Unlimited for Attorney fees in excess of \$192,000	(P) Gary M. Moates & Walker C. Friedman (D) G. Roland Love & David F. Johnson

EXHIBIT B-3 – RAYNOR LITIGATION HISTORY

Case Name, Number and Court	Type of Case And Claims Asserted	Date Filed	Amount Demanded	Date Nonsuited w/o Prejudice	Date Nonsuited w/Prejudice	Other Disposition	Attorneys
Dink Unlimited, LLC vs. Birdair, Inc. 048-260195-12 Tarrant County District Court, 48 th Judicial District	Contractor missing deadlines 1. Breach of contract 2. Breach of warranty 3. Deceptive trade practices 4. Attorney fees	7-9-2012	\$400,000+		2-20-2013		(P) Brant C. Martin & J. Robert Willis IV (D) Michael Gerstle
Dink Unlimited vs. Kevin Lavender, Metroplex Painting & Stephen Funchess 141-216957-06 Tarrant County District Court, 141 st Judicial District	Applied foam in house in an improper manner 1. Breach of contract 2. Breach of warranty 3. Fraud 4. Negligence 5. Gross Negligence	3-15-2006	\$10,000,000		3-22-2007		(P) James W. Grau & Scott A. Whisler (D) Matthew Hancock & Brett A. Smith
Dink Unlimited, LLC vs. Demilec 352-221907-06 Tarrant County District Court, 352 nd Judicial District	Unsafe Product 1. Negligence 2. Strict Liability 3. Breach of Implied Warranties	12-29-2006	\$10,000,000		5-18-2009		(P) Stephen M. Halbeisen & James D. Dendinger (D) Ramona Martinez & David A. Johnson

EXHIBIT B-3 – RAYNOR LITIGATION HISTORY

Case Name, Number and Court	Type of Case And Claims Asserted	Date Filed	Amount Demanded	Date Nonsuited w/o Prejudice	Date Nonsuited w/Prejudice	Other Disposition	Attorneys
Geoffrey Raynor vs. Mike Pietro M102466 Monterey County, California	Raynor's neighbor cut back some tree branches that were on his property 1. Permanent Injunction, Temporary Injunction & Temporary Restraining Order 2. Implied-in-Law Contract (Unjust enrichment) 3. Trespass 4. Private Nuisance 5. Conversion	11-13-2009	\$2,500,000 claimed for actual damages (Alleged value of "visual easement" taken by neighbor) Treble damages requested				(P) Kurt Osenbaugh & Joanna Wakana (D) J. Kenneth Gorman